

ORDINANCE NO. 59B

AN ORDINANCE AMENDING SECTION 1018 OF THE BOULDER ZONING ORDINANCE RELATING TO SIGNS

WHEREAS, signs in Boulder Town are regulated according to the zoning ordinance; and

WHEREAS, the Town desires to amend the descriptions for Section 1018 to provide further clarity and promote the continued beautification of the town.

NOW THEREFORE, be it ordained by the Boulder Town Council as follows:

1. That Section 1018 of the Boulder Town Zoning Ordinance is amended as follows:

Section 1018 Signs:

1. This Section is provided to:
 - a) Promote and protect the public health, safety, and welfare by regulating the location and size of signs;
 - b) Protect property values;
 - c) Enhance and protect the physical appearance of the Town;
 - d) Preserve the scenic and natural beauty and rural atmosphere;
 - e) Reduce sign clutter and advertising distractions and obstructions; and
 - f) Reduce hazards while providing procedures to enable local businesses to provide advertising.
2. **Exemptions:** The following signs shall be exempt from the requirements of this Section:
 - a) Residential Identification Signs. Provided such signs are not more than two (2) square feet in area and with any display limited to street numbers, street name, and the name of the resident(s) and provided such sign does not project beyond the property.
 - b) Traffic Warning and Regulation Signs. Signs for the purposes of traffic regulation and direction and the displayed message is solely for traffic regulation and directional information and is maintained by a public agency.
 - c) Church and Public Organization Signs. Provided such signs do not exceed eight (8) square feet in area. Such signs may include the display of official notices used by any court or public body or official, or the posting of notices by any public officer.
 - d) Window Signs. Lighted window signs are limited to no more than two

(2) signs of a maximum of five (5) square feet each with no flashing lights. All lighted window signs must be turned off at the end of business hours.

- e) Election Signs. Signs not exceeding two (2) feet by two (2) feet (2' x 2') and which conform to the Utah State Code for distance from any polling place, and which must be removed within one (1) week following an election. No election signage shall be placed within, or on, any publicly owned land or right-of-way, and all election signs must be authorized by the property owner of the lands on which the election signage is placed.
- f) Real Estate Signs. Signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed and shall not exceed four (4) square feet in area. An additional directional sign not to exceed two (2) square feet is allowed on the nearest public road with the permission of the property owner when property for sale is not along a public road.
- g) Development Promotional Signs. One (1) development promotional sign may be placed on the premises of a subdivision or other land development project with four (4) or more lots or approved dwelling units. Said promotional sign may not exceed sixteen (16) square feet in area and shall be removed no later than thirty (30) days following the sale of all lots or units, provided no Development Promotional Sign shall be maintained for a period not to exceed two (2) years from the date of initial installation.
- h) Directory Signs. Where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business, or industrial pursuit. Each listing shall be no larger than one (1) square foot of sign area.

3. Allowed Signs:

The following signs, as defined herein, are allowed in Boulder Town with the approval of the Planning Commission or Zoning Administrator, as applicable.

- a) Free-standing signs.
- b) Building signs.
- c) Temporary signs.
- d) Directional signs as allowed by Section 5, herein.

4. Allowed Sign Standards:

Table 1 identifies the sign standards and requirements for allowed signs as authorized herein.

**Table 1 Allowed Signs and
Sign Standards**

SIGN STANDARDS	SIGN TYPE		
	FREE STANDING SIGNS	BUILDING SIGNS	TEMPORARY SIGNS
Maximum Sign Area	16 square feet	32 square feet	16 square feet
Maximum Height	10 feet	No portion of a building sign shall extend above the wall to which it is attached	8 feet
Number of Allowed Signs	One (1) sign per property entrance	2 per building	One(l) per site
Location	All signs located so no part of the sign is within 2 feet of the property line and located so as to be outside any clear vision area	On existing or approved building <u>Signs must be located on an existing or approved building in which the business is or will be operating. The signs must be on a wall that is at least three times the area of the proposed sign.</u>	Shall not be attached to fences, trees, other natural features, utility poles and shall be located outside any clear vision area
Projection	Not applicable	Shall not exceed 12 inches (including all structural and other parts) from the wall.	Not applicable

Sign Lighting	All sign lighting must not cause a disturbance or distraction to surrounding properties or traffic and shall provide necessary shields, shrouds, lenses, or other devices that concentrate the illumination only upon the sign to protect the night sky and minimize light trespass to adjoining properties	All sign lighting must not cause a disturbance or distraction to surrounding properties or traffic and shall provide necessary shields, shrouds, lenses, or other devices that concentrate the illumination only upon the sign to protect the night sky and minimize light trespass to adjoining properties	Not allowed
Maximum Duration	Allowed as a permanent sign, if continued as required by this Ordinance	Allowed as a permanent sign, if continued as required by this Ordinance	Not to exceed 120 days
Fire Escapes	No sign shall be erected in such a manner to interfere with the use of any fire escape, exit, standpipe or obstruct any stairway, door, ventilator or window	No sign shall be erected in such a manner to interfere with the use of any fire escape, exit, standpipe or obstruct any stairway, door, ventilator or window	No sign shall be erected in such a manner to interfere with the use of any fire escape, exit, standpipe or obstruct any stairway, door, ventilator or window
Utility Lines	No sign shall be erected with less horizontal or vertical clearance than required by the requirements of the utility owner or provider	No sign shall be erected with less horizontal or vertical clearance than required by the requirements of the utility owner or provider	No sign shall be erected with less horizontal or vertical clearance than required by the requirements of the utility owner or provider
Approval Procedure	Conditional Use approved by Planning Commission	Conditional Use approved by Planning Commission	Approved as a Temporary Use by Zoning Administrator

5. Directional Sign.

Notwithstanding Section 1018(4), one (1) directional sign location may be allowed at each corner of the intersection of the Town's two major thoroughfares (i.e. Highway 12 and the

Burr Trail), for the purposes of informing the public of sites and services off Highway 12, accessible from the Burr Trail, and meeting the following directional sign requirements:

- a) The total area of all directional signs allowed at each corner (directional sign location) shall not exceed thirty-six (36) square feet.
- b) The co-location of directional signs may be allowed, provided the dimensions of each separate sign does not exceed five feet in length by sixteen inches in width (5' x 16") and the total area of all signs does not exceed thirty-six (36) square feet at one (1) directional sign location.
- c) No portion of any co-located directional sign shall exceed sixteen inches wide by five feet in length (16" x 5').
- d) All directional signs shall be complementary to other allowed signs at the location in material, color, size and style.
- e) The Boulder Town Planning Commission must determine that each directional sign meets all applicable requirements of this Ordinance prior to being established.
- f) No business, service, or other attraction may be listed on more than one (1) directional sign and may not be listed on more than one (1) co-located directional sign.

6. Required Approval Procedures, Application Requirements for Allowed Signs:

- a) All permanent Free-standing signs and Building signs authorized by this Ordinance shall be considered a Conditional Use and shall be considered by Boulder Town Planning Commission, as required by Chapter 8, Boulder Town Zoning Ordinance, unless the sign is a temporary sign, as provided herein.
- b) All applications for a Free-standing sign or a Building sign shall comply with the requirements for a Conditional Use Permit, as applicable, and as required by Chapter 8, Boulder Town Zoning Ordinance. A sign application shall be accompanied by the necessary application fee and a \$10 refundable photograph deposit, as required by Section 1018(7) herein.
- c) All Temporary signs authorized by this Ordinance shall be considered a Temporary Use and shall be considered by the Boulder Town Zoning Administrator.
- d) All applications for a Conditional Use Permit or Temporary Use permit to establish a sign shall be accompanied by evidence of a valid business license, as required by Boulder Town, and as applicable.

7. Sign Design Standards, Photograph Required:

- a) All signs allowed by this Ordinance shall be found to complement the architectural style and scale of the building and should be designed as an integral architectural element of the building and site to which it principally relates. As an architectural element, the sign should reflect the period of architecture and be in harmony with building character and use.
- b) Upon the installation of all Free-standing and Building signs, the owner shall provide to the Town a photograph of the sign, of a size and quality sufficient to identify the size, design and color of the installed sign. Upon receipt of the sign photograph, the Town shall refund the photograph deposit to the applicant. If a sign photograph is not provided to the Town within thirty (30) days of the installation of the sign, the Town is authorized to take and have provided a sign photograph, with the photograph deposit being forfeited by the applicant and used by the Town to defray costs incurred to provide a sign photograph.

8. Non-conforming Signs:

All signs which have been made nonconforming by the adoption of this Ordinance are subject to the provisions of Chapter 13, Nonconforming Uses, Boulder Town Zoning Ordinance.

9. Maintenance of Signs:

No sign shall be erected or altered except as provided by this Ordinance. All signs shall be in a safe well-maintained condition and shall be free from any hazards, including but not limited to faulty wiring and loose fastenings, and shall not represent a nuisance or pose threat to the public health, welfare and safety.

10. Sign Condition and Unsafe Signs:

- a) **All** signs, supporting structures, or portion thereof approved, installed and located on any lands within the boundaries of Boulder Town shall continue to be maintained in a safe condition and in accordance with all requirements and conditions of approval and all other requirements of applicable Town Ordinances and requirements.
- b) Any sign, supporting structure, or portion thereof declared unsafe by the Boulder Town Council shall be restored to a safe condition or removed by the owner within thirty (30) days following notice provided by the Town Council.

11. Abandonment:

Any sign that ceases to be used for the purposes for which it is permitted for a period of one (1) year shall be deemed to be abandoned and shall be removed by the owner within thirty (30) days following notice provided by the Town Council.

12. Acquisition of Interests:

Boulder Town may acquire title to signs by gift, purchase agreement, exchange, or eminent domain, and shall have the right to amortize nonconforming signs as permitted by state or federal law.

13. Prohibited Signs:

The following signs, as defined herein, shall be prohibited within the municipal boundaries of Boulder Town:

- a) All off-premises signs, including all billboards but excluding directional signs as provided by Section 1018(5).
- b) All animated signs and wind signs.
- c) Roof signs.
- d) Canopy (Marquee) Signs.
- e) Back-Lighted Signs.
- f) Neon Signs.
- g) All signs that emit sound or other emissions.
- h) All moveable signs, including signs mounted or painted upon vehicles or trailers which are more or less permanently parked in any location for the sole purpose of calling attention to or advertising a business.

2. This Ordinance shall become effective immediately.
3. The Boulder Town Recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:
 - A. Deposit a copy of this ordinance in the office of the Town Recorder; and
 - B. (1) Publish a short summary of this ordinance for at least one publication in a newspaper published in or having general circulation in the Town;

Or

 - (2) Post a complete copy of this ordinance in three (3) public places within the City.

APPROVED and **PASSED** this 6th day of December, 2012.

ATTEST:

BOULDER TOWN

Judi Davis
Judi Davis
Boulder Town Clerk

Bill Muse
Bill Muse, Mayor

Gladys LeFevre, Councilwoman
Steve Cox, Councilman
Tom Jerome, Councilman
Sue Inman, Councilwoman

VOTE

Aye
Aye
Aye
Aye

ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)

STATE OF UTAH)
 : ss.
COUNTY OF GARFIELD)

I, the undersigned, the duly qualified and acting Town Clerk of Boulder Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

☒ (a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

Either

☐ (b1) Causing a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

or

☒ (b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this 8th day of December, 2012.

[Seal]

Judi Davis
Boulder Town Clerk